

AMENDED IN ASSEMBLY AUGUST 24, 2006  
AMENDED IN ASSEMBLY SEPTEMBER 2, 2005  
AMENDED IN ASSEMBLY AUGUST 25, 2005  
AMENDED IN ASSEMBLY AUGUST 15, 2005  
AMENDED IN ASSEMBLY JULY 7, 2005  
AMENDED IN ASSEMBLY JUNE 22, 2005  
AMENDED IN SENATE MAY 27, 2005  
AMENDED IN SENATE APRIL 12, 2005

**SENATE BILL**

**No. 655**

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**Introduced by Senator Ortiz**  
(Coauthor: Assembly Member Goldberg)

February 22, 2005

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An act to amend Section 11010 of the Business and Professions Code, to amend Section 1103.4 of the Civil Code, ~~to amend Sections 65302 and 65302.5 of the Government Code~~, to add Section 25928 to the Health and Safety Code, and to add Chapter 7.7 (commencing with Section 2680) to Division 2 of, the Public Resources Code, relating to asbestos.

LEGISLATIVE COUNSEL'S DIGEST

SB 655, as amended, Ortiz. Asbestos.

(1) Existing law requires a person who intends to offer subdivided lands within California for sale or lease to file with the Department of Real Estate an application for a public report consisting of a notice of

intention that includes various statements regarding the condition of the property that may affect the use of the property.

This bill would additionally require the notice of intention filed with the application for a public report to include a statement indicating that the property is within an asbestos hazard zone and to provide a specified notice.

(2) Existing law limits the liability of a transferor for failing to disclose natural hazards in a specified property transaction if the transferor retains a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license of expertise.

This bill would condition the limitation on liability described above by requiring an expert in natural hazard disclosure, when responding to a request regarding natural hazards, to also determine whether the property is within an asbestos hazard zone and to provide a specified notice.

~~(3) Existing law requires that a city or county general plan contain specified elements, including a safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides, subsidence, liquefaction, and other seismic, geologic, and fire hazards.~~

~~This bill would additionally include specified asbestos hazards among those hazards required to be identified in the safety element of a general plan, thereby creating a state-mandated local program by imposing new duties on local agencies.~~

~~(4)~~

(3) Existing law provides for the Asbestos Assessment Task Force, composed of representatives from the State Department of Health Services, the Department of Industrial Relations, the Department of General Services, and the Commission on Building Standards, to analyze the magnitude of the asbestos problem in public buildings.

This bill would require the California Environmental Protection Agency (Cal-EPA) to convene the Naturally Occurring Asbestos Task Force, consisting of representatives of the State Air Resources Board, the Office of Environmental Health Hazard Assessment, the Department of Toxic Substances Control, the State Department of Health Services, the Department of Conservation, and if they agree to participate, representatives of Region IX of the United States

Environmental Protection Agency, and the Agency for Toxic Substances and Disease Registry of the United States Department Health and Human Services. The bill would require Cal-EPA, in consultation with the task force members, to evaluate, compile, and suggest guidance policies and guidelines for best management practices to mitigate risks associated with activities in areas with naturally occurring asbestos. The bill would require Cal-EPA to prepare the best management practices that cities and counties may use in complying with the bill's requirements. The bill would also require Cal-EPA to request the participation on the task force of 4 representatives from the air quality management districts, who are selected by those districts, in areas that are impacted by naturally occurring asbestos and 2 representatives from cities and 2 representatives from counties that are impacted by naturally occurring asbestos.

The bill would prohibit Cal-EPA from convening that task force and developing those best management practices until federal funds are received by the agency for that purpose.

The bill would require the task force, upon convening, to develop the best management practices within a year.

~~(5)–~~

(4) This bill would establish the Asbestos Hazards Mapping Act, which, among other things, would require the State Geologist to compile maps identifying asbestos hazard zones, as specified, and, upon completion, to submit those asbestos hazard maps to the State Mining and Geology Board and all affected cities, counties, and state agencies for review and comment. The act would require concerned jurisdictions and agencies to submit all comments to the board for review and consideration, and would require the State Geologist, within 90 days from the date of that submission, to revise the maps, as appropriate, and provide copies of the official maps to each state agency, city, or county, including the county recorder, having jurisdiction over lands containing an area of asbestos hazards. The act would require an applicant, prior to approval of a project located in an asbestos hazard zone, to submit a written statement regarding how the project will comply with the applicable local government rules, regulations, and ordinances, including, but not limited to, airborne toxic control measures, to mitigate the impact of naturally occurring asbestos. The act would further require a city or county, before issuing a permit for an activity, which may result in soil disturbance and

which is not subject to a local air quality management district's regulations or project approval process, ~~and~~ to provide the applicant with a one-page summary of advisory measures that may be taken to reduce or mitigate exposure to naturally occurring asbestos, thereby creating a state-mandated local program by imposing new duties on local agencies. The act would require each city and county, in preparing the safety element of its general plan, and in adopting or revising land use planning and permitting ordinances, to take into account the information provided in available asbestos hazards maps.

The act would require, on or before July 1, ~~2006~~ 2008, the State Mining and Geology Board, in consultation with the Director of Conservation, to develop specified guidelines, priorities, and procedures for asbestos hazards mapping, as provided.

The act would require a city or county receiving an official asbestos hazard map from the State Geologist to require the disclosure of real property that is located in an asbestos hazard zone on a specified form.

The act would require the Department of Toxic Substances Control to include in the next edition of the "Homeowners' Guide to Environmental Hazards," but in no event later than January 1, 2007, information and consumer resources regarding naturally occurring asbestos and the asbestos hazard map.

~~(6)~~

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(7) The bill would incorporate additional changes to Section 11010 of the Business and Professions Code proposed by AB 459, to be operative only if AB 459 and this bill are both chaptered and become effective on or before January 1, 2006, and this bill is chaptered last.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. ~~Section 11010 of the Business and Professions~~
- 2 ~~Code is amended to read:~~

1 11010. ~~(a) Except as otherwise provided pursuant to~~  
2 ~~subdivision (c) or elsewhere in this chapter, a person who intends~~  
3 ~~to offer subdivided lands within this state for sale or lease shall~~  
4 ~~file with the Department of Real Estate an application for a~~  
5 ~~public report consisting of a notice of intention and a completed~~  
6 ~~questionnaire on a form prepared by the department.~~

7 ~~(b) The notice of intention shall contain the following~~  
8 ~~information about the subdivided lands and the proposed~~  
9 ~~offering:~~

10 ~~(1) The name and address of the owner.~~

11 ~~(2) The name and address of the subdivider.~~

12 ~~(3) The legal description and area of lands.~~

13 ~~(4) A true statement of the condition of the title to the land,~~  
14 ~~particularly including all encumbrances thereon.~~

15 ~~(5) A true statement of the terms and conditions on which it is~~  
16 ~~intended to dispose of the land, together with copies of any~~  
17 ~~contracts intended to be used.~~

18 ~~(6) A true statement of the provisions, if any, that have been~~  
19 ~~made for public utilities in the proposed subdivision, including~~  
20 ~~water, electricity, gas, telephone, and sewerage facilities. For~~  
21 ~~subdivided lands that were subject to the imposition of a~~  
22 ~~condition pursuant to subdivision (b) of Section 66473.7 of the~~  
23 ~~Government Code, the true statement of the provisions made for~~  
24 ~~water shall be satisfied by submitting a copy of the written~~  
25 ~~verification of the available water supply obtained pursuant to~~  
26 ~~Section 66473.7 of the Government Code.~~

27 ~~(7) A true statement of the use or uses for which the proposed~~  
28 ~~subdivision will be offered.~~

29 ~~(8) A true statement of the provisions, if any, limiting the use~~  
30 ~~or occupancy of the parcels in the subdivision.~~

31 ~~(9) A true statement of the amount of indebtedness that is a~~  
32 ~~lien upon the subdivision or any part thereof, and that was~~  
33 ~~incurred to pay for the construction of any onsite or offsite~~  
34 ~~improvement, or any community or recreational facility.~~

35 ~~(10) A true statement or reasonable estimate, if applicable, of~~  
36 ~~the amount of any indebtedness which has been or is proposed to~~  
37 ~~be incurred by an existing or proposed special district, entity,~~  
38 ~~taxing area, assessment district, or community facilities district~~  
39 ~~within the boundaries of which, the subdivision, or any part~~  
40 ~~thereof, is located, and that is to pay for the construction or~~

1 ~~installation of any improvement or to furnish community or~~  
2 ~~recreational facilities to that subdivision, and which amounts are~~  
3 ~~to be obtained by ad valorem tax or assessment, or by a special~~  
4 ~~assessment or tax upon the subdivision, or any part thereof.~~

5 ~~(11) (A) As to each school district serving the subdivision, a~~  
6 ~~statement from the appropriate district that indicates the location~~  
7 ~~of each high school, junior high school, and elementary school~~  
8 ~~serving the subdivision, or documentation that a statement to that~~  
9 ~~effect has been requested from the appropriate school district.~~

10 ~~(B) In the event that, as of the date the notice of intention and~~  
11 ~~application for issuance of a public report are otherwise deemed~~  
12 ~~to be qualitatively and substantially complete pursuant to Section~~  
13 ~~11010.2, the statement described in subparagraph (A) has not~~  
14 ~~been provided by any school district serving the subdivision, the~~  
15 ~~person who filed the notice of intention and application for~~  
16 ~~issuance of a public report shall immediately provide the~~  
17 ~~department with the name, address, and telephone number of that~~  
18 ~~district.~~

19 ~~(12) (A) The location of all existing airports, and of all~~  
20 ~~proposed airports shown on the general plan of any city or~~  
21 ~~county, located within two statute miles of the subdivision. If the~~  
22 ~~property is located within an airport influence area, the following~~  
23 ~~statement shall be included in the notice of intention:~~  
24

25 NOTICE OF AIRPORT IN VICINITY

26 ——— This property is presently located in the vicinity of an  
27 airport, within what is known as an airport influence area. For that  
28 reason, the property may be subject to some of the annoyances or  
29 inconveniences associated with proximity to airport operations  
30 (for example: noise, vibration, or odors). Individual sensitivities  
31 to those annoyances can vary from person to person. You may wish to  
32 consider what airport annoyances, if any, are associated with the  
33 property before you complete your purchase and determine whether they  
34 are acceptable to you.  
35

36 ~~(B) For purposes of this section, an “airport influence area,”~~  
37 ~~also known as an “airport referral area,” is the area in which~~  
38 ~~current or future airport-related noise, overflight, safety, or~~  
39 ~~airspace protection factors may significantly affect land uses or~~

1 ~~necessitate restrictions on those uses as determined by an airport~~  
2 ~~land use commission.~~

3 ~~(13) A true statement, if applicable, referencing any soils or~~  
4 ~~geologic report or soils and geologic reports that have been~~  
5 ~~prepared specifically for the subdivision.~~

6 ~~(14) A true statement of whether or not fill is used, or is~~  
7 ~~proposed to be used in the subdivision and a statement giving the~~  
8 ~~name and the location of the public agency where information~~  
9 ~~concerning soil conditions in the subdivision is available.~~

10 ~~(15) On or after July 1, 2005, as to property located within the~~  
11 ~~jurisdiction of the San Francisco Bay Conservation and~~  
12 ~~Development Commission, a statement that the property is so~~  
13 ~~located and the following notice:~~

14  
15 ~~NOTICE OF SAN FRANCISCO BAY CONSERVATION~~  
16 ~~AND DEVELOPMENT COMMISSION JURISDICTION~~  
17

18 ~~This property is located within the jurisdiction of the San~~  
19 ~~Francisco Bay Conservation and Development Commission. Use~~  
20 ~~and development of property within the commission's~~  
21 ~~jurisdiction may be subject to special regulations, restrictions,~~  
22 ~~and permit requirements. You may wish to investigate and~~  
23 ~~determine whether they are acceptable to you and your intended~~  
24 ~~use of the property before you complete your transaction.~~

25 ~~(16) If the property is within an asbestos hazard zone mapped~~  
26 ~~pursuant to Section 2686 of the Public Resources Code, the~~  
27 ~~report shall contain the following notice:~~

28 ~~NOTICE OF NATURALLY OCCURRING ASBESTOS~~  
29 ~~HAZARD ZONE~~

30 ~~This property is located within an area identified by the State~~  
31 ~~Geologist as potentially containing naturally occurring asbestos.~~  
32 ~~Exposure to asbestos may create a significant health risk, and the~~  
33 ~~presence of asbestos-bearing minerals may result in restrictions~~  
34 ~~on the use or development of the property. You should consider~~  
35 ~~the potential risks associated with the property before you~~  
36 ~~complete your purchase and determine whether they are~~  
37 ~~acceptable to you.~~

38 ~~(17) Any other information that the owner, his or her agent, or~~  
39 ~~the subdivider may desire to present.~~

~~(e) The commissioner may, by regulation, or on the basis of the particular circumstances of a proposed offering, waive the requirement of the submission of a completed questionnaire if the commissioner determines that prospective purchasers or lessees of the subdivision interests to be offered will be adequately protected through the issuance of a public report based solely upon information contained in the notice of intention.~~

~~SEC. 1.5. Section 11010 of the Business and Professions Code is amended to read:~~

~~11010. (a) Except as otherwise provided pursuant to subdivision (c) or elsewhere in this chapter, a person who intends to offer subdivided lands within this state for sale or lease shall file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the department.~~

~~(b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:~~

- ~~(1) The name and address of the owner.~~
- ~~(2) The name and address of the subdivider.~~
- ~~(3) The legal description and area of lands.~~
- ~~(4) A true statement of the condition of the title to the land, particularly including all encumbrances thereon.~~
- ~~(5) A true statement of the terms and conditions on which it is intended to dispose of the land, together with copies of any contracts intended to be used.~~
- ~~(6) A true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water, electricity, gas, telephone, and sewerage facilities. For subdivided lands that were subject to the imposition of a condition pursuant to subdivision (b) of Section 66473.7 of the Government Code, the true statement of the provisions made for water shall be satisfied by submitting a copy of the written verification of the available water supply obtained pursuant to Section 66473.7 of the Government Code.~~
- ~~(7) A true statement of the use or uses for which the proposed subdivision will be offered.~~
- ~~(8) A true statement of the provisions, if any, limiting the use or occupancy of the parcels in the subdivision.~~



1     ~~(9) A true statement of the amount of indebtedness that is a~~  
2     ~~lien upon the subdivision or any part thereof, and that was~~  
3     ~~incurred to pay for the construction of any onsite or offsite~~  
4     ~~improvement, or any community or recreational facility.~~

5     ~~(10) A true statement or reasonable estimate, if applicable, of~~  
6     ~~the amount of any indebtedness which has been or is proposed to~~  
7     ~~be incurred by an existing or proposed special district, entity,~~  
8     ~~taxing area, assessment district, or community facilities district~~  
9     ~~within the boundaries of which, the subdivision, or any part~~  
10    ~~thereof, is located, and that is to pay for the construction or~~  
11    ~~installation of any improvement or to furnish community or~~  
12    ~~recreational facilities to that subdivision, and which amounts are~~  
13    ~~to be obtained by ad valorem tax or assessment, or by a special~~  
14    ~~assessment or tax upon the subdivision, or any part thereof.~~

15    ~~(11) A notice pursuant to Section 1102.6c of the Civil Code.~~

16    ~~(12) (A) As to each school district serving the subdivision, a~~  
17    ~~statement from the appropriate district that indicates the location~~  
18    ~~of each high school, junior high school, and elementary school~~  
19    ~~serving the subdivision, or documentation that a statement to that~~  
20    ~~effect has been requested from the appropriate school district.~~

21    ~~(B) In the event that, as of the date the notice of intention and~~  
22    ~~application for issuance of a public report are otherwise deemed~~  
23    ~~to be qualitatively and substantially complete pursuant to Section~~  
24    ~~11010.2, the statement described in subparagraph (A) has not~~  
25    ~~been provided by any school district serving the subdivision, the~~  
26    ~~person who filed the notice of intention and application for~~  
27    ~~issuance of a public report shall immediately provide the~~  
28    ~~department with the name, address, and telephone number of that~~  
29    ~~district.~~

30    ~~(13) (A) The location of all existing airports, and of all~~  
31    ~~proposed airports shown on the general plan of any city or~~  
32    ~~county, located within two statute miles of the subdivision. If the~~  
33    ~~property is located within an airport influence area, the following~~  
34    ~~statement shall be included in the notice of intention:~~

35  
36                   NOTICE OF AIRPORT IN VICINITY

37     ~~— This property is presently located in the vicinity of an~~  
38     ~~airport, within what is known as an airport influence area. For that~~  
39     ~~reason, the property may be subject to some of the annoyances or~~  
40     ~~inconveniences associated with proximity to airport operations~~

## 1 NOTICE OF AIRPORT IN VICINITY

2 (for example: noise, vibration, or odors). Individual sensitivities  
3 to those annoyances can vary from person to person. You may wish to  
4 consider what airport annoyances, if any, are associated with the  
5 property before you complete your purchase and determine whether they  
6 are acceptable to you.  
7

8 ~~(B) For purposes of this section, an “airport influence area,”~~  
9 ~~also known as an “airport referral area,” is the area in which~~  
10 ~~current or future airport-related noise, overflight, safety, or~~  
11 ~~airspace protection factors may significantly affect land uses or~~  
12 ~~necessitate restrictions on those uses as determined by an airport~~  
13 ~~land use commission.~~

14 ~~(14) A true statement, if applicable, referencing any soils or~~  
15 ~~geologic report or soils and geologic reports that have been~~  
16 ~~prepared specifically for the subdivision.~~

17 ~~(15) A true statement of whether or not fill is used, or is~~  
18 ~~proposed to be used in the subdivision and a statement giving the~~  
19 ~~name and the location of the public agency where information~~  
20 ~~concerning soil conditions in the subdivision is available.~~

21 ~~(16) On or after July 1, 2005, as to property located within the~~  
22 ~~jurisdiction of the San Francisco Bay Conservation and~~  
23 ~~Development Commission, a statement that the property is so~~  
24 ~~located and the following notice:~~

25  
26 NOTICE OF SAN FRANCISCO BAY CONSERVATION  
27 AND DEVELOPMENT COMMISSION JURISDICTION  
28

29 This property is located within the jurisdiction of the San  
30 Francisco Bay Conservation and Development Commission. Use  
31 and development of property within the commission’s  
32 jurisdiction may be subject to special regulations, restrictions,  
33 and permit requirements. You may wish to investigate and  
34 determine whether they are acceptable to you and your intended  
35 use of the property before you complete your transaction.

36 ~~(17) If the property is within an asbestos hazard zone mapped~~  
37 ~~pursuant to Section 2686 of the Public Resources Code, the~~  
38 ~~report shall contain the following notice:~~

39 NOTICE OF NATURALLY OCCURRING ASBESTOS  
40 HAZARD ZONE

1 This property is located within an area identified by the State  
2 Geologist as potentially containing naturally occurring asbestos.  
3 Exposure to asbestos may create a significant health risk, and the  
4 presence of asbestos-bearing minerals may result in restrictions  
5 on the use or development of the property. You should consider  
6 the potential risks associated with the property before you  
7 complete your purchase and determine whether they are  
8 acceptable to you.

9 (18) Any other information that the owner, his or her agent, or  
10 the subdivider may desire to present.

11 (e) The commissioner may, by regulation, or on the basis of  
12 the particular circumstances of a proposed offering, waive the  
13 requirement of the submission of a completed questionnaire if the  
14 commissioner determines that prospective purchasers or lessees  
15 of the subdivision interests to be offered will be adequately  
16 protected through the issuance of a public report based solely  
17 upon information contained in the notice of intention.

18 *SECTION 1. Section 11010 of the Business and Professions*  
19 *Code is amended to read:*

20 11010. (a) Except as otherwise provided pursuant to  
21 subdivision (c) or elsewhere in this chapter, any a person who  
22 intends to offer subdivided lands within this state for sale or lease  
23 shall file with the Department of Real Estate an application for a  
24 public report consisting of a notice of intention and a completed  
25 questionnaire on a form prepared by the department.

26 (b) The notice of intention shall contain the following  
27 information about the subdivided lands and the proposed  
28 offering:

- 29 (1) The name and address of the owner.
- 30 (2) The name and address of the subdivider.
- 31 (3) The legal description and area of lands.
- 32 (4) A true statement of the condition of the title to the land,  
33 particularly including all encumbrances thereon.
- 34 (5) A true statement of the terms and conditions on which it is  
35 intended to dispose of the land, together with copies of any  
36 contracts intended to be used.
- 37 (6) A true statement of the provisions, if any, that have been  
38 made for public utilities in the proposed subdivision, including  
39 water, electricity, gas, telephone, and sewerage facilities. For  
40 subdivided lands that were subject to the imposition of a

1 condition pursuant to subdivision (b) of Section 66473.7 of the  
2 Government Code, the true statement of the provisions made for  
3 water shall be satisfied by submitting a copy of the written  
4 verification of the available water supply obtained pursuant to  
5 Section 66473.7 of the Government Code.

6 (7) A true statement of the use or uses for which the proposed  
7 subdivision will be offered.

8 (8) A true statement of the provisions, if any, limiting the use  
9 or occupancy of the parcels in the subdivision.

10 (9) A true statement of the amount of indebtedness that is a  
11 lien upon the subdivision or any part thereof, and that was  
12 incurred to pay for the construction of any onsite or offsite  
13 improvement, or any community or recreational facility.

14 (10) A true statement or reasonable estimate, if applicable, of  
15 the amount of any indebtedness—~~which~~ *that* has been or is  
16 proposed to be incurred by an existing or proposed special  
17 district, entity, taxing area, assessment district, or community  
18 facilities district within the boundaries of which, the subdivision,  
19 or any part thereof, is located, and that is to pay for the  
20 construction or installation of any improvement or to furnish  
21 community or recreational facilities to that subdivision, and  
22 which amounts are to be obtained by ad valorem tax or  
23 assessment, or by a special assessment or tax upon the  
24 subdivision, or any part thereof.

25 (11) A notice pursuant to Section 1102.6c of the Civil Code.

26 (12) (A) As to each school district serving the subdivision, a  
27 statement from the appropriate district that indicates the location  
28 of each high school, junior high school, and elementary school  
29 serving the subdivision, or documentation that a statement to that  
30 effect has been requested from the appropriate school district.

31 (B) In the event that, as of the date the notice of intention and  
32 application for issuance of a public report are otherwise deemed  
33 to be qualitatively and substantially complete pursuant to Section  
34 11010.2, the statement described in subparagraph (A) has not  
35 been provided by any school district serving the subdivision, the  
36 person who filed the notice of intention and application for  
37 issuance of a public report shall immediately provide the  
38 department with the name, address, and telephone number of that  
39 district.

1 (13) (A) The location of all existing airports, and of all  
2 proposed airports shown on the general plan of any city or  
3 county, located within two statute miles of the subdivision. If the  
4 property is located within an airport influence area, the following  
5 statement shall be included in the notice of intention:  
6

7 NOTICE OF AIRPORT IN VICINITY

8 This property is presently located in the vicinity of an  
9 airport, within what is known as an airport influence area. For that  
10 reason, the property may be subject to some of the annoyances or  
11 inconveniences associated with proximity to airport operations  
12 (for example: noise, vibration, or odors). Individual sensitivities  
13 to those annoyances can vary from person to person. You may wish to  
14 consider what airport annoyances, if any, are associated with the  
15 property before you complete your purchase and determine whether they  
16 are acceptable to you.  
17

18 (B) For purposes of this section, an “airport influence area,”  
19 also known as an “airport referral area,” is the area in which  
20 current or future airport-related noise, overflight, safety, or  
21 airspace protection factors may significantly affect land uses or  
22 necessitate restrictions on those uses as determined by an airport  
23 land use commission.

24 (14) A true statement, if applicable, referencing any soils or  
25 geologic report or soils and geologic reports that have been  
26 prepared specifically for the subdivision.

27 (15) A true statement of whether or not fill is used, or is  
28 proposed to be used in the subdivision and a statement giving the  
29 name and the location of the public agency where information  
30 concerning soil conditions in the subdivision is available.

31 (16) On or after July 1, 2005, as to property located within the  
32 jurisdiction of the San Francisco Bay Conservation and  
33 Development Commission, a statement that the property is so  
34 located and the following notice:

35 NOTICE OF SAN FRANCISCO BAY CONSERVATION  
36 AND DEVELOPMENT COMMISSION JURISDICTION

37 This property is located within the jurisdiction of the San  
38 Francisco Bay Conservation and Development Commission. Use  
39 and development of property within the commission’s  
40 jurisdiction may be subject to special regulations, restrictions,

1 and permit requirements. You may wish to investigate and  
2 determine whether they are acceptable to you and your intended  
3 use of the property before you complete your transaction.

4 *(17) If the property is within an asbestos hazard zone mapped*  
5 *pursuant to Section 2686 of the Public Resources Code, the*  
6 *report shall contain the following notice:*

7  
8 *NOTICE OF NATURALLY OCCURRING ASBESTOS HAZARD ZONE*

9 *This property is located within an area identified by the*  
10 *State Geologist as potentially containing naturally occurring asbestos.*  
11 *Exposure to asbestos may create a significant health risk, and the*  
12 *presence of asbestos-bearing minerals may result in restrictions on*  
13 *the use or development of the property. You should consider the*  
14 *potential risks associated with the property before you complete*  
15 *your purchase and determine whether they are acceptable to you.*

16  
17 ~~(17)–~~

18 *(18) Any other information that the owner, his or her agent, or*  
19 *the subdivider may desire to present.*

20 (c) The commissioner may, by regulation, or on the basis of  
21 the particular circumstances of a proposed offering, waive the  
22 requirement of the submission of a completed questionnaire if the  
23 commissioner determines that prospective purchasers or lessees  
24 of the subdivision interests to be offered will be adequately  
25 protected through the issuance of a public report based solely  
26 upon information contained in the notice of intention.

27 SEC. 2. Section 1103.4 of the Civil Code is amended to read:

28 1103.4. (a) Neither the transferor nor any listing or selling  
29 agent shall be liable for any error, inaccuracy, or omission of any  
30 information delivered pursuant to this article if the error,  
31 inaccuracy, or omission was not within the personal knowledge  
32 of the transferor or the listing or selling agent, and was based on  
33 information timely provided by public agencies or by other  
34 persons providing information as specified in subdivision (c) that  
35 is required to be disclosed pursuant to this article, and ordinary  
36 care was exercised in obtaining and transmitting the information.

37 (b) The delivery of any information required to be disclosed  
38 by this article to a prospective transferee by a public agency or  
39 other person providing information required to be disclosed  
40 pursuant to this article shall be deemed to comply with the

1 requirements of this article and shall relieve the transferor or any  
2 listing or selling agent of any further duty under this article with  
3 respect to that item of information.

4 (c) The delivery of a report or opinion prepared by a licensed  
5 engineer, land surveyor, geologist, or expert in natural hazard  
6 discovery dealing with matters within the scope of the  
7 professional's license or expertise; shall be sufficient compliance  
8 for application of the exemption provided by subdivision (a) if  
9 the information is provided to the prospective transferee pursuant  
10 to a request therefor, whether written or oral. In responding to  
11 that request, an expert may indicate, in writing, an understanding  
12 that the information provided will be used in fulfilling the  
13 requirements of Section 1103.2 and, if so, shall indicate the  
14 required disclosures, or parts thereof, to which the information  
15 being furnished is applicable. Where that statement is furnished,  
16 the expert shall not be responsible for any items of information,  
17 or parts thereof, other than those expressly set forth in the  
18 statement.

19 (1) In responding to the request, the expert shall determine  
20 whether the property is within an airport influence area as  
21 defined in subdivision (b) of Section 11010 of the Business and  
22 Professions Code. If the property is within an airport influence  
23 area, the report shall contain the following statement:  
24

25 NOTICE OF AIRPORT IN VICINITY

26 This property is presently located in the vicinity of an  
27 airport, within what is known as an airport influence area. For that  
28 reason, the property may be subject to some of the annoyances or  
29 inconveniences associated with proximity to airport operations  
30 (for example: noise, vibration, or odors). Individual sensitivities  
31 to those annoyances can vary from person to person. You may wish to  
32 consider what airport annoyances, if any, are associated with the  
33 property before you complete your purchase and determine whether they  
34 are acceptable to you.  
35

36 (2) In responding to the request, the expert shall determine  
37 whether the property is within the jurisdiction of the San  
38 Francisco Bay Conservation and Development Commission, as  
39 defined in Section 66620 of the Government Code. If the

property is within the commission's jurisdiction, the report shall contain the following notice:

NOTICE OF SAN FRANCISCO BAY CONSERVATION  
AND DEVELOPMENT COMMISSION JURISDICTION

This property is located within the jurisdiction of the San Francisco Bay Conservation and Development Commission. Use and development of property within the commission's jurisdiction may be subject to special regulations, restrictions, and permit requirements. You may wish to investigate and determine whether they are acceptable to you and your intended use of the property before you complete your transaction.

(3) In responding to the request, the expert shall determine whether the property is within an asbestos hazard zone mapped pursuant to Section 2686 of the Public Resources Code. If the property is within an asbestos hazard zone, the report shall contain the following notice:

NOTICE OF NATURALLY OCCURRING ASBESTOS  
HAZARD ZONE

This property is located within an area identified by the State Geologist as potentially containing naturally occurring asbestos. Exposure to asbestos may create a serious health risk, and the presence of asbestos-bearing minerals may result in restrictions on the use or development of the property. You should consider the potential risks associated with the property before you complete your purchase and determine whether they are acceptable to you.

~~SEC. 3. Section 65302 of the Government Code is amended to read:~~

~~65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:~~

~~(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and~~



1 private uses of land. The land use element shall include a  
2 statement of the standards of population density and building  
3 intensity recommended for the various districts and other  
4 territory covered by the plan. The land use element shall identify  
5 areas covered by the plan which are subject to flooding and shall  
6 be reviewed annually with respect to those areas. The land use  
7 element shall also do both of the following:

8 (1) Designate in a land use category that provides for timber  
9 production those parcels of real property zoned for timberland  
10 production pursuant to the California Timberland Productivity  
11 Act of 1982, Chapter 6.7 (commencing with Section 51100) of  
12 Part 1 of Division 1 of Title 5.

13 (2) Consider the impact of new growth on military readiness  
14 activities carried out on military bases, installations, and  
15 operating and training areas, when proposing zoning ordinances  
16 or designating land uses covered by the general plan for land, or  
17 other territory adjacent to military facilities, or underlying  
18 designated military aviation routes and airspace.

19 (A) In determining the impact of new growth on military  
20 readiness activities, information provided by military facilities  
21 shall be considered. Cities and counties shall address military  
22 impacts based on information from the military and other  
23 sources.

24 (B) The following definitions govern this paragraph:

25 (i) “Military readiness activities” mean all of the following:

26 (I) Training, support, and operations that prepare the men and  
27 women of the military for combat.

28 (II) Operation, maintenance, and security of any military  
29 installation.

30 (III) Testing of military equipment, vehicles, weapons, and  
31 sensors for proper operation or suitability for combat use.

32 (ii) “Military installation” means a base, camp, post, station,  
33 yard, center, homeport facility for any ship, or other activity  
34 under the jurisdiction of the United States Department of Defense  
35 as defined in paragraph (1) of subsection (c) of Section 2687 of  
36 Title 10 of the United States Code.

37 (b) A circulation element consisting of the general location  
38 and extent of existing and proposed major thoroughfares,  
39 transportation routes, terminals, any military airports and ports,

1 and other local public utilities and facilities, all correlated with  
2 the land use element of the plan.

3 (e) A housing element as provided in Article 10.6  
4 (commencing with Section 65580).

5 (d) A conservation element for the conservation, development,  
6 and utilization of natural resources including water and its  
7 hydraulic force, forests, soils, rivers and other waters, harbors,  
8 fisheries, wildlife, minerals, and other natural resources. The  
9 conservation element shall consider the effect of development  
10 within the jurisdiction, as described in the land use element, on  
11 natural resources located on public lands, including military  
12 installations. That portion of the conservation element including  
13 waters shall be developed in coordination with any countywide  
14 water agency and with all district and city agencies that have  
15 developed, served, controlled or conserved water for any purpose  
16 for the county or city for which the plan is prepared. Coordination  
17 shall include the discussion and evaluation of any  
18 water supply and demand information described in Section  
19 65352.5, if that information has been submitted by the water  
20 agency to the city or county. The conservation element may also  
21 cover the following:

22 (1) The reclamation of land and waters.

23 (2) Prevention and control of the pollution of streams and  
24 other waters.

25 (3) Regulation of the use of land in stream channels and other  
26 areas required for the accomplishment of the conservation plan.

27 (4) Prevention, control, and correction of the erosion of soils,  
28 beaches, and shores.

29 (5) Protection of watersheds.

30 (6) The location, quantity and quality of the rock, sand and  
31 gravel resources.

32 (7) Flood control.

33 The conservation element shall be prepared and adopted no  
34 later than December 31, 1973.

35 (e) An open-space element as provided in Article 10.5  
36 (commencing with Section 65560).

37 (f) A noise element which shall identify and appraise noise  
38 problems in the community. The noise element shall recognize  
39 the guidelines established by the Office of Noise Control in the  
40 State Department of Health Services and shall analyze and

quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

- (1) Highways and freeways.
- (2) Primary arterials and major local streets.
- (3) Passenger and freight online railroad operations and ground rapid transit systems.
- (4) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.
- (5) Local industrial plants, including, but not limited to, railroad classification yards.
- (6) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level ( $L_{dn}$ ). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence, liquefaction and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code; asbestos hazards identified pursuant to Chapter 7.7 (commencing with Section 2680) of Division 2 of the Public Resources Code; and other geologic hazards known to the legislative body;

1 flooding, and wildland and urban fires. The safety element shall  
2 include mapping of known seismic, asbestos, and other geologic  
3 hazards. It shall also address evacuation routes, military  
4 installations, peakload water supply requirements, and minimum  
5 road widths and clearances around structures, as those items  
6 relate to identified fire and geologic hazards.

7 (2) Mapping of known asbestos hazards developed pursuant to  
8 Section 2680 of the Public Resources Code shall be included in  
9 the safety element after the maps have been made available and  
10 when any of the following occur:

11 (A) The safety element of the general plan is otherwise  
12 amended.

13 (B) The housing element is otherwise amended.

14 (C) Two or more general plan elements are amended.

15 (3) Prior to the periodic review of its general plan and prior to  
16 preparing or revising its safety element, each city and county  
17 shall consult the Division of Mines and Geology of the  
18 Department of Conservation and the Office of Emergency  
19 Services for the purpose of including information known by and  
20 available to the department and the office required by this  
21 subdivision.

22 (4) To the extent that a county's safety element is sufficiently  
23 detailed and contains appropriate policies and programs for  
24 adoption by a city, a city may adopt that portion of the county's  
25 safety element that pertains to the city's planning area in  
26 satisfaction of the requirement imposed by this subdivision.

27 SEC. 4. Section 65302.5 of the Government Code is amended  
28 to read:

29 65302.5. (a) At least 45 days prior to adoption or amendment  
30 of the safety element, each county and city shall submit to the  
31 Division of Mines and Geology of the Department of  
32 Conservation one copy of a draft of the safety element or  
33 amendment and any technical studies used for developing the  
34 safety element. The division may review drafts submitted to it to  
35 determine whether they incorporate known seismic, asbestos, and  
36 other geologic hazard information, and report its findings to the  
37 planning agency within 30 days of receipt of the draft of the  
38 safety element or amendment pursuant to this subdivision. The  
39 legislative body shall consider the division's findings prior to  
40 final adoption of the safety element or amendment unless the

1 division's findings are not available within the above-prescribed  
2 time limits or unless the division has indicated to the city or  
3 county that the division will not review the safety element. If the  
4 division's findings are not available within those prescribed time  
5 limits, the legislative body may take the division's findings into  
6 consideration at the time it considers future amendments to the  
7 safety element. Each county and city shall provide the division  
8 with a copy of its adopted safety element or amendments. The  
9 division may review adopted safety elements or amendments and  
10 report its findings. All findings made by the division shall be  
11 advisory to the planning agency and legislative body.

12 (1) ~~The draft element of or draft amendment to the safety~~  
13 ~~element of a county or a city's general plan shall be submitted to~~  
14 ~~the State Board of Forestry and Fire Protection and to every local~~  
15 ~~agency that provides fire protection to territory in the city or~~  
16 ~~county at least 90 days prior to either of the following:~~

17 (A) ~~The adoption or amendment to the safety element of its~~  
18 ~~general plan for each county that contains state responsibility~~  
19 ~~areas.~~

20 (B) ~~The adoption or amendment to the safety element of its~~  
21 ~~general plan for each city or county that contains a very high fire~~  
22 ~~hazard severity zone as defined pursuant to subdivision (b) of~~  
23 ~~Section 51177.~~

24 (2) ~~A county that contains state responsibility areas and a city~~  
25 ~~or county that contains a very high fire hazard severity zone as~~  
26 ~~defined pursuant to subdivision (b) of Section 51177, shall~~  
27 ~~submit for review the safety element of its general plan to the~~  
28 ~~State Board of Forestry and Fire Protection and to every local~~  
29 ~~agency that provides fire protection to territory in the city or~~  
30 ~~county in accordance with the following dates as specified,~~  
31 ~~unless the local government submitted the element within five~~  
32 ~~years prior to that date:~~

33 (A) ~~Local governments within the regional jurisdiction of the~~  
34 ~~San Diego Association of Governments: December 31, 2010.~~

35 (B) ~~Local governments within the regional jurisdiction of the~~  
36 ~~Southern California Association of Governments: December 31,~~  
37 ~~2011.~~

38 (C) ~~Local governments within the regional jurisdiction of the~~  
39 ~~Association of Bay Area Governments: December 31, 2012.~~

~~(D) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, and the Sacramento Area Council of Governments: June 30, 2013.~~

~~(E) Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments: December 31, 2014.~~

~~(F) All other local governments: December 31, 2015.~~

~~(3) The State Board of Forestry and Fire Protection shall, and a local agency may, review the draft or an existing safety element and report its written recommendations to the planning agency within 60 days of its receipt of the draft or existing safety element. The State Board of Forestry and Fire Protection and local agency shall review the draft or existing safety element and may offer written recommendations for changes to the draft or existing safety element regarding both of the following:~~

~~(A) Uses of land and policies in state responsibility areas and very high fire hazard severity zones that will protect life, property, and natural resources from unreasonable risks associated with wildland fires.~~

~~(B) Methods and strategies for wildland fire risk reduction and prevention within state responsibility areas and very high hazard severity zones.~~

~~(b) Prior to the adoption of its draft element or draft amendment, the board of supervisors of the county or the city council of a city shall consider the recommendations made by the State Board of Forestry and Fire Protection and any local agency that provides fire protection to territory in the city or county. If the board of supervisors or city council determines not to accept all or some of the recommendations, if any, made by the State Board of Forestry and Fire Protection or local agency, the board of supervisors or city council shall communicate in writing to the State Board of Forestry and Fire Protection or to the local agency, its reasons for not accepting the recommendations.~~

~~(c) If the State Board of Forestry and Fire Protection or local agency's recommendations are not available within the time limits required by this section, the board of supervisors or city council may act without those recommendations. The board of supervisors or city council shall take the recommendations into~~

1 consideration at the next time it considers amendments pursuant  
2 to paragraph (1) of subdivision (a):

3 ~~SEC. 5.~~

4 *SEC. 3.* Section 25928 is added to the Health and Safety  
5 Code, to read:

6 25928. (a) Except as provided in subdivision (f), the  
7 California Environmental Protection Agency shall convene the  
8 Naturally Occurring Asbestos Task Force, consisting of  
9 representatives of the State Air Resources Board, the Office of  
10 Environmental Health Hazard Assessment, the Department of  
11 Toxic Substances Control, the State Department of Health  
12 Services, the Department of Conservation, and, if they agree to  
13 participate, representatives of Region IX of the United States  
14 Environmental Protection Agency and the Agency for Toxic  
15 Substances and Disease Registry of the United States Department  
16 of Health and Human Services. The California Environmental  
17 Protection Agency shall request the participation on the task  
18 force of four representatives from the air quality management  
19 districts, who are selected by those districts, in areas that are  
20 impacted by naturally occurring asbestos, and two  
21 representatives from cities and two representatives from counties  
22 that are impacted by naturally occurring asbestos. The California  
23 Environmental Protection Agency, in consultation with the other  
24 members of the task force, shall evaluate, compile, and suggest  
25 guidance policies and guidelines for best management practices  
26 to mitigate risks associated with activities in areas with naturally  
27 occurring asbestos. These best management practices shall do  
28 both of the following:

29 (1) Address different types of residential and commercial  
30 development and recreational projects, including mitigation  
31 measures for grading and soil disturbing activities during  
32 construction, including, but not limited to, dust control measures  
33 and mitigation measures for postconstruction activities in a  
34 completed project, including, but not limited to, landscaping and  
35 capping.

36 (2) Provide guidance on varying soil disturbing activities in  
37 varying geological and topographical environments.

38 (b) The California Environmental Protection Agency, in  
39 consultation with the task force members, shall prepare the best  
40 management practices that cities and counties may use to comply

1 with subdivision (b) of Section 2687 of the Public Resources  
2 Code.

3 (c) A best management practice compiled pursuant to this  
4 section is advisory for each local agency, to provide assistance in  
5 adopting mitigation measures.

6 (d) The Naturally Occurring Asbestos Task Force shall hold at  
7 least one public hearing to gather input from stakeholders,  
8 including, but not limited to, experts, individuals, and  
9 organizations with expertise in mitigating naturally occurring  
10 asbestos.

11 (e) The California Environmental Protection Agency, in  
12 consultation with other impacted state agencies, local  
13 government entities, and local air districts, shall periodically  
14 review and update the best management practices and shall do so  
15 after holding a public hearing and providing an opportunity for  
16 comment on the proposed update.

17 (f) The California Environmental Protection Agency may  
18 implement subdivision (a) only with federal funds, and shall not  
19 implement subdivision (a) until federal funds are received by the  
20 agency for that purpose.

21 (g) Upon convening, the Naturally Occurring Asbestos Task  
22 Force shall have one year to develop the best management  
23 practices pursuant to this section.

24 ~~SEC. 6.~~

25 *SEC. 4.* Chapter 7.7 (commencing with Section 2680) is  
26 added to Division 2 of the Public Resources Code, to read:

27  
28 CHAPTER 7.7. ASBESTOS HAZARDS MAPPING ACT  
29

30 2680. This chapter shall be known and may be cited as the  
31 Asbestos Hazards Mapping Act.

32 2681. The Legislature finds and declares all of the following:

33 (a) Asbestos is a known human carcinogen and is known to  
34 cause fatal illnesses including, but not limited to, asbestosis, lung  
35 cancer, parietal pleura, lung cancer, and mesothelioma.

36 (b) Asbestos is the name given collectively to the fibrous  
37 forms of several naturally occurring silicate minerals that form  
38 under high pressure in the earth's crust, which are commonly  
39 found near earthquake faults. Geologists divide asbestos into two  
40 categories, which differ in both structure and chemical



1 composition. The two types of asbestos are: (1) serpentine, of  
2 which chrysotile is the only asbestiform type; and (2)  
3 amphiboles, which includes cocidolite, amosite, anthophyllite,  
4 and the fibrous form of actinolite and tremolite.

5 (c) Asbestos is commonly found in ultramafic rock. Serpentine  
6 is a type of ultramafic rock. Asbestos is less likely, but may also  
7 be present in other forms of rock such as mafic rock. The amount  
8 of asbestos that is typically present ranges from less than 1  
9 percent to 25 percent or more.

10 (d) Ultramafic rock, primarily serpentine, is found in many  
11 parts of California, as many as 44 of California's 58 counties,  
12 and is especially abundant in the coastal ranges, the Klamath  
13 Mountains, and the Sierra foothills, where it is commonly  
14 exposed near earthquake faults. The asbestos contained within  
15 the rock becomes disrupted and airborne when the rock is broken  
16 through soil disturbing activities such as mining, construction,  
17 and other land grading activities.

18 (e) Asbestos, left undisturbed in its rock host, presents no  
19 threat to human health. However, activities that release the  
20 asbestos into the air or water disturb the asbestos and create an  
21 environmental health hazard.

22 (f) It is necessary to identify and map asbestos hazard zones in  
23 order for cities and counties to adequately prepare the safety  
24 element of their general plans, and to encourage land use  
25 management policies and regulations to reduce and mitigate  
26 those hazards to protect public health and safety.

27 2682. (a) It is the intent of the Legislature to provide for a  
28 statewide asbestos hazards mapping and technical advisory  
29 program to assist cities and counties.

30 (b) It is further the intent of the Legislature that maps and  
31 accompanying information provided pursuant to this chapter be  
32 made available to local governments for planning and  
33 development purposes.

34 2683. As used in this chapter:

35 (a) "Board" means the State Mining and Geology Board.

36 (b) "Mitigation" means those measures that will reduce  
37 asbestos risk.

38 (c) (1) "Project" means the whole of an action that has a  
39 potential for disturbing the soil in an asbestos hazard zone,  
40 including, but not limited to, both of the following:

1 (A) Activities undertaken by any public agency where soil  
2 may be disturbed including, but not limited to, public works  
3 construction and related activities, clearing or grading of land,  
4 improvements to existing public structures, and the development  
5 of parks, playgrounds, and other recreational facilities.

6 (B) A private project that will be carried out by a person other  
7 than a governmental agency, which needs a discretionary  
8 approval from one or more governmental agencies.

9 (2) "Project" includes the activity that is being approved and  
10 that may be subject to several approvals by governmental  
11 agencies. "Project" does not mean each separate governmental  
12 approval.

13 (3) The definition of project, as specified in this subdivision,  
14 applies only to this chapter and does not apply to any other  
15 statute or provision of law, unless expressly provided in that  
16 statute or law.

17 (d) For an activity that requires the approval of more than one  
18 governmental agency, the term "project" shall not mean each  
19 separate governmental approval.

20 2684. (a) (1) A city or county that receives an official map  
21 pursuant to subdivision (b) of Section 2686 shall, within six  
22 months of receiving that official map, require disclosure of real  
23 property that is located within an asbestos hazard zone on the  
24 form set forth in subdivision (b) of Section 1102.6a of the Civil  
25 Code.

26 (2) If a seller provides the disclosure pursuant to the Notice of  
27 Naturally Occurring Asbestos Hazard Zone, as set forth in  
28 subdivision (b) of Section 11010 of the Business and Professions  
29 Code, the seller is not required to comply with the disclosure  
30 required pursuant to paragraph (1).

31 (b) In the next edition of the "Homeowners' Guide to  
32 Environmental Hazards," prepared pursuant to Section 10084.1  
33 of the Business and Professions Code, but in no event later than  
34 January 1, 2007, the Department of Toxic Substances Control  
35 shall, in the chapter of the "Homeowners' Guide to  
36 Environmental Hazards" regarding asbestos, include information  
37 and consumer resources regarding naturally occurring asbestos  
38 and maps prepared pursuant to Section 2686.

39 (c) The specification of items for disclosure in this section  
40 does not limit or abridge any obligation for disclosure created by

1 any other provision of law or that may exist in order to avoid  
2 fraud, misrepresentation, or deceit in the transfer transaction.

3 2685. (a) On or before July 1, ~~2006~~ 2008, the board, in  
4 consultation with the director, shall develop all of the following:

5 (1) Guidelines for the preparation of maps of asbestos hazard  
6 zones in the state.

7 (2) Priorities for mapping of asbestos hazard zones. In setting  
8 priorities, the board shall take into account the following factors:

9 (A) The likelihood of development within an area occurring in  
10 the near future.

11 (B) The probability that the asbestos hazards would threaten  
12 public health and safety.

13 (C) The contents of a geotechnical report.

14 (D) The availability of existing information.

15 (b) At least 90 days prior to adopting measures pursuant to this  
16 section, the board shall transmit or cause to be transmitted a draft  
17 of those measures to affected cities, counties, and state agencies  
18 for review and comment.

19 2686. (a) The State Geologist shall compile maps identifying  
20 asbestos hazard zones, consistent with the requirements of  
21 Section 2685. The maps shall be compiled in accordance with a  
22 time schedule developed by the director and based upon the  
23 provisions of Section 2685 and the level of funding available to  
24 implement this chapter.

25 (b) The State Geologist shall, upon completion, submit  
26 asbestos hazard maps compiled pursuant to subdivision (a) to the  
27 board and all affected cities, counties, and state agencies for  
28 review and comment. Concerned jurisdictions and agencies shall  
29 submit all comments to the board for review and consideration  
30 within 90 days.

31 Within 90 days of board review, the State Geologist shall  
32 revise the maps, as appropriate, and shall provide copies of the  
33 official maps to each state agency, city, or county, including the  
34 county recorder, having jurisdiction over lands containing an area  
35 of asbestos hazards. Upon receipt of the maps, each jurisdiction  
36 shall make the maps available to the public.

37 (c) In order to ensure that sellers of real property and their  
38 agents are adequately informed, any county that receives an  
39 official map pursuant to this section shall post a notice within  
40 five days of receipt of the map at the office of the county

1 recorder, county assessor, and county planning agency,  
2 identifying the location of the map, any information regarding  
3 changes to the map, and the effective date of the notice.

4 2687. (a) Prior to approving a project within a hazard zone,  
5 the applicant shall provide a written statement to the city; or  
6 ~~county, or city and county~~ describing how it will comply with the  
7 applicable local government and local air district rules,  
8 regulations, and ordinances, including, but not limited to,  
9 airborne toxic control measures, to mitigate the impact of  
10 naturally occurring asbestos. The city, ~~county or city and~~ or  
11 county shall forward the written statement to the local air district  
12 or applicable local government.

13 (b) Prior to a city, ~~county, or city and~~ or county issuing a  
14 permit for an activity that may result in soil disturbance, but that  
15 is not subject to a local air district's regulations or project  
16 approval process, the city, ~~county, or city and~~ or county shall  
17 provide the applicant with a one page summary of advisory  
18 measures that the applicant may take to reduce or mitigate  
19 exposure to naturally occurring asbestos. This may include a  
20 referral to the Internet Web sites of the State Air Resources  
21 Board or the local air district. The city, ~~county, or city and~~ or  
22 county may use the one page summary that the agency has  
23 received from the Naturally Occurring Asbestos Task Force  
24 prepared pursuant to Section 25928 of the *Health and Safety*  
25 *Code*.

26 (c) When made available by the Naturally Occurring Asbestos  
27 Task Force, a city, county, and any other relevant regional  
28 agency shall consider and adopt those best management practices  
29 developed by the task force that the local agency deems  
30 appropriate, into the local agency's rules, regulations, and  
31 ordinances.

32 (d) Nothing in this division shall limit a city or county from  
33 imposing more stringent mitigation measures than those required  
34 by state law.

35 2688. Nothing in this chapter is intended to prevent cities and  
36 counties from establishing policies and criteria that are more  
37 strict than those developed by the California Environmental  
38 Protection Agency.

39 2689. Each city and county, in preparing the safety element to  
40 its general plan pursuant to subdivision (g) of Section 65302 of

1 the Government Code, and in adopting or revising land use  
2 planning and permitting ordinances, shall take into account the  
3 information provided in available asbestos hazard maps.

4 ~~SEC. 7.~~

5 *SEC. 5.* No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 a local agency or school district has the authority to levy service  
8 charges, fees, or assessments sufficient to pay for the program or  
9 level of service mandated by this act, within the meaning of  
10 Section 17556 of the Government Code.

11 ~~SEC. 8. Section 1.5 of this bill incorporates amendments to~~  
12 ~~Section 11010 of the Business and Professions Code proposed by~~  
13 ~~both this bill and AB 459. It shall only become operative if (1)~~  
14 ~~both bills are enacted and become effective on or before January~~  
15 ~~1, 2006, (2) each bill amends Section 11010 of the Business and~~  
16 ~~Professions Code, and (3) this bill is enacted after AB 459, in~~  
17 ~~which case Section 1 of this bill shall not become operative.~~

18  
19  
20 **CORRECTIONS:**

21 **Title — Page 1.**  
22